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By: **Delegates McHale and Menes**

Introduced and read first time: January 27, 2003

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Sexual Abuse of a Minor - Time Limitations on Filing Civil Actions**

3 FOR the purpose of providing that a pending criminal prosecution for sexual abuse of  
4 a minor shall extend in a certain manner the period of limitations for filing a  
5 civil action arising from sexual abuse of the minor under certain circumstances;  
6 providing that a person may file a civil action arising from sexual abuse of a  
7 minor within a certain period after the final disposition of a criminal  
8 prosecution for sexual abuse of the minor under certain circumstances; defining  
9 certain terms; providing for the application and construction of this Act; and  
10 generally relating to altering the time limitations for filing certain civil actions  
11 arising from sexual abuse of a minor under certain circumstances.

12 BY repealing and reenacting, without amendments,  
13 Article - Courts and Judicial Proceedings  
14 Section 5-101  
15 Annotated Code of Maryland  
16 (2002 Replacement Volume)

17 BY repealing and reenacting, with amendments,  
18 Article - Courts and Judicial Proceedings  
19 Section 5-201(a)  
20 Annotated Code of Maryland  
21 (2002 Replacement Volume)

22 BY adding to  
23 Article - Courts and Judicial Proceedings  
24 Section 5-206  
25 Annotated Code of Maryland  
26 (2002 Replacement Volume)

27 BY repealing and reenacting, without amendments,  
28 Article - Criminal Law  
29 Section 3-602

1 Annotated Code of Maryland  
2 (2002 Volume)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
4 MARYLAND, That the Laws of Maryland read as follows:

5 **Article - Courts and Judicial Proceedings**

6 5-101.

7 A civil action at law shall be filed within three years from the date it accrues  
8 unless another provision of the Code provides a different period of time within which  
9 an action shall be commenced.

10 5-201.

11 (a) [When] SUBJECT TO THE PROVISIONS OF § 5-206 OF THIS SUBTITLE,  
12 WHEN a cause of action subject to a limitation under Subtitle 1 of this title or Title 3,  
13 Subtitle 9 of this article accrues in favor of a minor or mental incompetent, that  
14 person shall file [his] THE PERSON'S action within the lesser of three years or the  
15 applicable period of limitations after the date the disability is removed.

16 5-206.

17 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
18 INDICATED.

19 (2) "DATE OF THE FINAL DISPOSITION OF THE CRIMINAL PROSECUTION"  
20 MEANS THE DATE OF THE LAST TO OCCUR OF THE FOLLOWING:

21 (I) THE FINAL JUDGMENT OF A TRIAL COURT;

22 (II) THE FINAL DISPOSITION OF AN APPEAL OR REVIEW IN A COURT  
23 OF THE STATE; OR

24 (III) THE EXPIRATION OF TIME FOR FILING AN APPEAL OR PETITION  
25 FOR REVIEW.

26 (3) "SEXUAL ABUSE" HAS THE MEANING STATED IN § 3-602 OF THE  
27 CRIMINAL LAW ARTICLE.

28 (B) THIS SECTION APPLIES TO THE TIME LIMITATIONS UNDER THIS TITLE  
29 FOR FILING A CIVIL ACTION, REGARDLESS OF THE THEORY OF RECOVERY, IF THE  
30 CAUSE OF ACTION ARISES FROM SEXUAL ABUSE OF A MINOR.

31 (C) IF THE STATE BEGINS A CRIMINAL PROSECUTION FOR SEXUAL ABUSE OF  
32 A MINOR UNDER § 3-602 OF THE CRIMINAL LAW ARTICLE:

33 (1) THE TIME DURING WHICH THE CRIMINAL PROSECUTION IS PENDING  
34 MAY NOT BE COMPUTED AS PART OF THE PERIOD WITHIN WHICH A CIVIL ACTION

1 THAT ARISES FROM THE SAME OR SUBSTANTIALLY SIMILAR FACTS AS THE CRIMINAL  
2 PROSECUTION IS REQUIRED TO BE FILED; AND

3 (2) FROM THE DATE OF THE FINAL DISPOSITION OF THE CRIMINAL  
4 PROSECUTION, A PERSON MAY FILE A CIVIL ACTION, THAT ARISES FROM THE SAME  
5 OR SUBSTANTIALLY SIMILAR FACTS AS THE CRIMINAL PROSECUTION, WITHIN THE  
6 LONGER OF:

7 (I) THE REMAINING PERIOD PROVIDED UNDER THIS TITLE FOR  
8 FILING THE CIVIL ACTION; OR

9 (II) 1 YEAR.

10 (D) FOR THE PURPOSES OF ITEM (C)(1) OF THIS SECTION, THE TIME DURING  
11 WHICH A CRIMINAL PROSECUTION IS PENDING SHALL BE COMPUTED:

12 (1) FROM THE DATE OF THE FIRST TO OCCUR OF THE FOLLOWING:

13 (I) THE ISSUANCE OF A WARRANT OR SUMMONS;

14 (II) THE RETURN OF AN INDICTMENT;

15 (III) THE FILING OF A CRIMINAL INFORMATION; OR

16 (IV) THE DEFENDANT'S FIRST APPEARANCE IN A COURT IN THE  
17 CRIMINAL PROSECUTION; AND

18 (2) UNTIL THE DATE OF THE FINAL DISPOSITION OF THE CRIMINAL  
19 PROSECUTION.

20 **Article - Criminal Law**

21 3-602.

22 (a) (1) In this section the following words have the meanings indicated.

23 (2) "Family member" has the meaning stated in § 3-601 of this subtitle.

24 (3) "Household member" has the meaning stated in § 3-601 of this  
25 subtitle.

26 (4) (i) "Sexual abuse" means an act that involves sexual molestation  
27 or exploitation of a minor, whether physical injuries are sustained or not.

28 (ii) "Sexual abuse" includes:

29 1. incest;

30 2. rape;

31 3. sexual offense in any degree;

